**Criminal application No. 83/2002**

Anil Kumar and others …… Petitioner

Vs.

State of Uttaranchal …… Opposite Parties.

**Hon'ble M.M. Ghildiyal, J.**

Heard learned counsel for the parties.

This is a petition under section 482 Cr.P.C. for quashing of charge sheet filed in case crime no.273 of 2001 under sections 498 A/323 IPC read with section ¾ Dowry Prohibition Act.

Hon'ble the Supreme Court in a number of cases has held that the ground on which power under section 482 Cr.P.C. can be exercised to quash the criminal proceedings basically are where the allegations made in the FIR or complaint if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused. Secondly, where the allegations made in the FIR or in the complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused. From the perusal of the FIR in the present case a prima facie case is made out against the applicants. The allegations made in the FIR disclose the commission of the offences punishable under sections 498 A/323 IPC and ¾ Dowry Prohibition Act.

For the reasons stated above the application is dismissed. The record of the trial court be sent back immediately.

**(M.M. Ghildiyal, J.)**

July 30, 2003